

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Serial No.: 10,005,699

Filing Date: December 07, 2001

For: DISTAL PROTECTION DOUBLE BANDING CATHETER

Application Division

ATTN: BOX MISSING PARTS

Washington, D.C.

Confirmation No. 7636

January 30, 2002

## LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS

Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated December 28, 2001.

☒ Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and filing date.

☐ Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A Communication.

☐ Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. '1.821-1.825.

☐ Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.

☐ A certified copy of priority document no. \_\_\_\_\_, filed \_\_\_\_\_, is also attached. Priority is claimed.

☐ An Information Disclosure Statement with 08A-1449 and \_\_\_\_\_ references is also attached.

The following fee is calculated below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE				\$370.00	OR		\$740.00
TOTAL CLAIMS	10 - 20		X 9 =	\$		X 18 =	\$
INDEP. CLAIMS	1 - 3		X 42 =	\$		X 84 =	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135 =	\$		+ 270 =	\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2			TOTAL	\$		TOTAL	\$

☐ Surcharge for late filing of English translation \$ 130.00

☒ Late filing of Declaration surcharge in the amount of:

Small Entity ☒ \$65.00 Other than Small Entity ☐ \$130.00

☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00

☐ Second - \$ 200.00

☐ Third - \$ 460.00

☐ Fourth - \$ 720.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00

☐ Second - \$ 440.00

☐ Third - \$ 920.00

☐ Fourth - \$1,440.00

Month After Time Period Set

☒ Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed to cover the above fees.

☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ 65.00 is enclosed to cover the fees.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: 

Jay M. Finkelstein

Registration No. 21,082

JMF:sfg

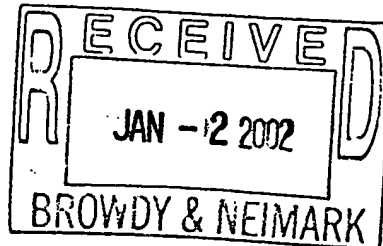


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/005,699	12/07/2001	T. Anthony Don Michael	DON MICHAEL=27

001444  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



CONFIRMATION NO. 7636

## FORMALITIES LETTER



\*OC000000007236758\*

Date Mailed: 12/28/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

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